

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SIMON J. BURCHETT PHOTOGRAPHY,  
INC.

Plaintiff,

v.

WARTSILA NORTH AMERICA, INC.

Defendant.

Case No. 19-cv-11356

**DECLARATION OF LEA KELLOGG**

I, Lea Kellogg, declare under penalty of perjury under the laws of the United States of America as follows:

1. I am the secretary of the Board of Directors of Wartsila North America, Inc. ("WNA"). I have held this position since 2011. I give this declaration based upon personal knowledge.
2. WNA is a corporation formed under the laws of the state of Maryland. The corporate headquarters of WNA are in Houston, Texas. WNA also has offices or facilities in Florida, Maryland, Virginia, and Louisiana.
3. WNA does not maintain an office or facility in New York.
4. The ultimate indirect parent of WNA is Wartsila Corporation, a company formed under the laws of the Republic of Finland (Business ID 0128631-1) with its corporate headquarters located at at Hiililaiturinkuja 2, 00180, in Helsinki, Finland.

5. WNA and Wartsila Corporation are separate and independent companies, with corporate formalities and separations that are respected and observed. No member of the Wartsila Corporation Board of Directors is a member of WNA's Board of Directors. No member of the Wartsila Corporation Board of Directors is a a member of WNA's management team.

6. WNA is not financially dependent upon Wartsila Corporation. WNA has its own budget, maintains its own bank accounts, and maintains its own books and records.

7. There is no connection (ownership or otherwise) between WNA and L3 Communications, 600 3rd Ave, New York, NY 10016.

8. WNA did not enter into the contractual relationship with plaintiff Simon J. Burchett Photography, Inc. or with Simon J. Burchett with respect to any of the matters that are at issue in this lawsuit. WNA has had no involvement with Simon J. Burchett Photography, Inc. or Simon J. Burchett regarding the acquisition or use of any photographs.

9. When Simon J. Burchett Photography, Inc. directed a demand letter to WNA, WNA referred that demand letter to Wartsila Corporation for response. Because WNA had no involvement with the Simon Burchett, Simon J. Burchett Photography, Inc. or the images at issue in this lawsuit, WNA made no response or representation of any kind, and took no action, in response to any "demand" made by Simon J. Burchett Photography, Inc.

10. WNA does not own or control the wartsila.com website. WNA has no input or control concerning the content of the "encyclopedia" or "media portal" sections of the wartsila.com website that are the sections of the website on which Simon J. Burchett Photography, Inc. focuses its complaints.

11. WNA did not place the images at issue in this lawsuit on the wartsila.com website and had no role in the decision to place the image on the wartsila.com website.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.



Lea Kellogg  
Corporate Secretary  
Wartsila North America, Inc.

Dated: Feb 4, 2020

  
